

PATENT

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REMARKS

This is intended as a full and complete response to the Restriction Requirement mailed January 10, 2006, having a shortened statutory period for response set to expire on February 10, 2006. Applicants thanks for the telephone interview on January 26, 2006 to clarify the restriction requirement.

Claims 1-27 are pending in the application and are subject to restriction and/or election requirement. The claims have been restricted under 35 U.S.C. § 121 as follows:

I. Claims 1-9, 13-19 and 22-27 are drawn to adjusting the wavelength of the laser diode, classified in class 372, subclass 32.

II. Claims 1-5, 10-16 and 20-27 are drawn to adjusting the reflection wavelength of fiber grating, classified in class 372, subclass 102.

Applicants provisionally elect the claims of Group I with traverse. Applicants respectfully request reconsideration of the restriction requirement, and request that the restriction requirement be withdrawn for at least the following reasons:

1. The Applicants' claims 1-27 are directed to an inventive method and apparatus for reducing a relative intensity noise of a fiber grating type laser diode including a fiber grating and a laser diode. That is, the two inventions classified by the Examiner are actually embodiments of the same invention. As claimed, the Applicants respectfully submit that claims 1-27 are directed to a single invention.

2. The restriction is improper because the search for either group would include searching adjusting wavelength of laser diode and fiber grating. Thus, the search and examination of the entire Application can still be made "without serious burden to the Examiner." (See MPEP § 803).

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To the extent this restriction requirement is maintained by the Examiner, Applicants reserve the right to subsequently file a divisional application in order to prosecute the invention recited in the non-elected group of claims.

As such and because of the above traversal, Applicants respectfully submit that the Right of Petition under 37 CFR §1.144 has been preserved.

CONCLUSION

Applicants believe that all claims presently pending in this application are in condition for allowance. If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall, at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

1/31/06

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